

Exhibit 7

Transcript of the Testimony of

Frank G. Fox, Ph.D.

Date: 9/12/2022

C.P. vs BLUE CROSS BLUE SHIELD OF ILLINOIS



Phone: (425) 866-4250
production@nelsonreporters.com
www.nelsonreporters.com

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

C.P., by and through his)
parents, PATRICIA PRITCHARD)
AND NOLLE PRITCHARD; and)
PATRICIA PRITCHARD,)
Plaintiffs,) No. 3:20-cv-06145-RJB
vs.)
BLUE CROSS BLUE SHIELD OF)
ILLINOIS,)
Defendant.)

REMOTE
VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF
FRANK G. FOX, Ph.D.
September 12, 2022

Taken remotely
Witness location: Seattle, Washington

KATIE J. NELSON, RPR, CCR #2971
NELSON COURT REPORTERS, INC.
6513 132nd Avenue NE, #184
Kirkland, Washington 98033
(425) 866-4250
katie@nelsonreporters.com

Frank G. Fox, Ph.D.

9/12/2022

A P P E A R A N C E S

FOR THE PLAINTIFFS:

ELEANOR HAMBURGER
SIRIANNI YOUTZ SPOONEMORE HAMBURGER
3101 Western Avenue, Suite 350
Seattle, Washington 98121
(206) 223-0303
ehamburger@sylaw.com

OMAR GONZALEZ-PAGAN
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
120 Wall Street, 19th Floor
New York, New York 10005-3919
ogonzalez-pagan@lambdalegal.org

FOR THE DEFENDANT:

GWENDOLYN C. PAYTON
KILPATRICK TOWNSEND & STOCKTON LLP
1420 5th Avenue, Suite 3700
Seattle, Washington 98101
(206) 467-9600
gpayton@kilpatricktownsend.com

ALSO PRESENT:

Bryan Gaver, Videographer

Frank G. Fox, Ph.D.

9/12/2022

FRANK G. FOX, Ph.D. - September 12, 2022

I N D E X

EXAMINATION BY: Page(s)

Atty. Payton 5

* * *

EXHIBITS FOR IDENTIFICATION:

Exhibit 1 Declaration of Frank G. Fox 15

Exhibit 2 Amended Deposition Notice 23

Exhibit 3 Quinn Study 72

Exhibit 4 Williams Institute study 79

Frank G. Fox, Ph.D.

9/12/2022

1 Q. (By Atty. Payton) I'm sorry, I didn't hear your
2 answer.

3 A. On net, they go up.

4 Q. Do you know that because you performed the
5 calculation with the correct data set?

6 A. That's correct.

7 Q. Okay. Did you produce that to counsel?

8 A. No, I did not.

9 Q. Do you intend to?

10 A. If so asked.

11 Q. So essentially, your Table 4 is outdated, right?
12 In Exhibit 1?

13 A. That would be correct.

14 Q. It needs to be updated with the correct data?

15 A. It needs -- if we wanted to update to 2022 Williams
16 Institute figures, that would be updated, yes.

17 Q. Hold on a second, because I want to close out that
18 issue. So I'm jumping ahead, because I was going to get to
19 that later. Bear with me a moment. I'm finding where in my
20 outline I wanted to talk about that discrepancy.

21 Dr. Fox, was that just a mistake?

22 ATTY. HAMBURGER: Object as to form.

23 THE WITNESS: I don't know that I would
24 characterize it as a mistake. We received the -- or we
25 obtained the 2022 Williams report after I initially prepared

Frank G. Fox, Ph.D.

9/12/2022

1 Q. (By Atty. Payton) I'm sorry, I didn't hear your
2 answer.

3 A. On net, they go up.

4 Q. Do you know that because you performed the
5 calculation with the correct data set?

6 A. That's correct.

7 Q. Okay. Did you produce that to counsel?

8 A. No, I did not.

9 Q. Do you intend to?

10 A. If so asked.

11 Q. So essentially, your Table 4 is outdated, right?
12 In Exhibit 1?

13 A. That would be correct.

14 Q. It needs to be updated with the correct data?

15 A. It needs -- if we wanted to update to 2022 Williams
16 Institute figures, that would be updated, yes.

17 Q. Hold on a second, because I want to close out that
18 issue. So I'm jumping ahead, because I was going to get to
19 that later. Bear with me a moment. I'm finding where in my
20 outline I wanted to talk about that discrepancy.

21 Dr. Fox, was that just a mistake?

22 ATTY. HAMBURGER: Object as to form.

23 THE WITNESS: I don't know that I would
24 characterize it as a mistake. We received the -- or we
25 obtained the 2022 Williams report after I initially prepared